

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF THE CITY OF LOS BANOS, CALIFORNIA

These Comments are filed by the City of Los Banos in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Los Banos believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

The City of Los Banos is a city with a population of 40,000. Our franchised cable provider is Comcast Cable. Our community has negotiated cable franchises since [*year first franchise was issued*].

Competitive Cable Systems

Our community granted a competitive franchise to Comcast Cable, a cable overbuilder, in 2005 and that provider is providing service in my community today. In addition, the City of Los Banos has not denied any provider the opportunity to serve in our community, and does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.

In regard to the negotiations with Comcast Cable, the length was nine (9) months and the process was smooth and efficient. The City received excellent cooperation from Comcast Cable. Comcast was able to agree to a franchise agreement comparable to the one presented it by the City for all terms, including PEG access and I-Net Support.

Conclusions

The local cable franchising process functions well in the City of Los Banos. As the above information indicates, we are experienced at working with cable providers to

both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Los Banos therefore, respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Los Banos

By: Steve Rath
City Manager
520 J Street
Los Banos, CA 93635

cc: National League of Cities, leanza@nlc.org
NATOA, info@natoa.org
John Norton, John.Norton@fcc.gov
Andrew Long, Andrew.Long@fcc.gov
Genevieve Morelos, League of California Cities, gmorelos@cacities.org